UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 October 2008</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>42-70</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>42-70</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage

          application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on October 30, 2008 has been entered.

Priority

2.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or

under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

3.   Claims 42-47, 49, 52-53, 55-59, and 61-70 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Britton (US Patent No. 4,785,408) in view of Anderson et al (US Patent No.

7,240,297).

4.   Britton discloses a method and apparatus for generating computer-controlled interactive

voice services.

Regarding claims 42, 61-66 and 67, Britton discloses a system for composing dialogs to be

executed for providing and receiving information to and from remote human subjects by

telephone, comprising: at least one programmed processor coupled to a memory and to an

operator interface, wherein the processor is programmed to compose and store a dialog under

control of a human configuror (col. 4, line 42), which dialog is thereafter executable to

accomplish input and output operations (col. 4, lines 24-32) over a telephone network (col. 4,

lines 24-32) between a remote subject and a data repository (col. 4, lines 11-42); wherein the

processor is programmed to offer for selection by the configuror and to accept selections via the

operator interface, a plurality of dialog components and applicable options, wherein said dialog

components have predefined behaviors that interact with one another, with the subject and with

the data depository, according to said selections of the dialog components, a sequence of the

dialog components and selected said applicable options (Figure 5; col. 9, line 1 to col. 10, line

23; col. 10, line 27 to col. 14, line 18); and whereby the configuror can assemble an operational

dialog using the processor (col. 4, line 11 to col. 8, line 4; col. 9, lines 1 to col. 14, line 18) and

the configuror need not understand specifics of the behaviors and interactions of the dialog

components (col. 5, lines 46-67). Britton does not disclose presenting a wizard to provide step-

by-step instructions and accept responses to constrain subsequent instructions to compose the

dialog components. However, providing a user with a wizard interface with step-by-step

instructions was well known so as to assist the user with completing a software/computer

implemented task. Anderson describes a system for providing user assistance in utilizing a

computer program is disclosed that provides the capability for combining an active display of

the past, current, and future steps in an ongoing process with a series of associated decision

panels and forms to be completed in order to carry out the steps (Figures 5-11; col. 2, line 48 to

col. 3, line 30; col. 6, line 51 to col. 9, line 18). Therefore, it would have been obvious to one of

ordinary skill at the time of the invention modify the system of Britton to implement the user

assistance of Anderson, for the purpose of assisting the user with completing the windows based

dialog generating task, as was well known in the art.

Regarding claims 43 and 68, Britton discloses the behaviors of the dialog components

comprise: at least one data repository access operation for at least one of storing and retrieving

data that is particular to a subject (col. 8, lines 5-21); at least one audio playback behavior for

one of reading and recording an audio clip for a subject, and at least one remote data input

operation for accepting a subject-specific input value (col. 5, lines 10-14; col. 7, line 57 to col. 8,

line 4; col. 18, line 34 to col. 19, line 15); at least one data storage operation for storing a subject-

specific output value (col. 8, lines 5-21).

Regarding claim 44, Britton discloses the behaviors of the dialog components further

comprise at least one conditional operation (col. 6, lines 49-59) wherein an executed sequence of

the dialog components is varied according to at least one of said data that is particular to the

subject, said subject-specific input value (col. 18, lines 24-33), and a value that is derived using

at least one of said data and said input value.

Regarding claims 45 and 70, Britton discloses the behaviors include at least one

predefined said conditional operation (col. 4, lines 11-22; col. 5, lines 10-14; col. 7, line 57 to

col. 8, line 4; col. 18, line 34 to col. 19, line 25) comprising distinguishing among an answering

machine remote subject response, a human remote subject response, a response of a

predetermined human versus a response of an unknown human, and a lack of response

determined from at least one of a continued ringing, detection of a busy signal, and silence.

Regarding claim 46, Britton discloses the behaviors include at least one predefined said conditional operation (col. 4, lines 11-22; col. 5, lines 10-14; col. 7, line 57 to col. 8, line 4; col. 18, line 34 to col. 19, line 25) comprising prompting for a response from the remote subject and distinguishing for at least one expected possible response from the remote subject versus a different response from the remote subject.

Regarding claims 47 and 69, Britton discloses the behaviors include at least one predefined said conditional operation (col. 4, lines 11-22; col. 5, lines 10-14; col. 7, line 57 to col. 8, line 4; col. 18, line 34 to col. 19, line 25) comprising distinguishing among at least two potential expected audio responses and an unexpected response, and wherein said responses comprise at least one of audio and numeric tone signals.

Regarding claim 49, Britton discloses the options (col. 5, line 50 to col. 8, line 22) include at least one policy option relating to outgoing communications, comprising an automated schedule affecting at least one of execution time and execution date for a behavior; a maximum number of repeated attempts of a dialog; and, a maximum number of calls to be delivered concurrently.

Regarding claim 52, Britton discloses the options (col. 5, line 50 to col. 8, line 22) include at least one policy option comprising: a maximum number of repeated attempts of a behavior within a dialog; and, a selection among alternative audio playback messages.

Regarding claim 53, Britton discloses the options (col. 5, line 50 to col. 8, line 22) presented for selection by the configuror comprise associating at least one said policy option with a subset of the remote human subjects determined by information regarding said remote human subjects from the data depository.

Regarding claim 55, Britton discloses the conditional operation comprises (col. 5, line 50 to col. 8, line 22; col. 9, line 1 to col. 14, line 18; col. 17, line 14 to col. 19, line 25) at least one of: if/then conditional execution of a behavior determined according to a variable value determined from at least one of said data that is particular to the subject, said subject-specific input value, and a value that is derived using at least one of said data and said input value; looping execution of a behavior determined according to said variable value; establishing error conditions arising from one of presence and absence of said variable value; and, repeating execution of a behavior upon one of presence and absence of said variable value.

Regarding claim 56, Britton discloses the conditional operation (col. 5, line 50 to col. 8, line 22; col. 9, line 1 to col. 14, line 18; col. 17, line 14 to col. 19, line 25) comprises varying execution of a behavior as a result of a comparison of said variable value to one of another variable value and a constant value.

Regarding claim 57, Britton discloses the processor is programmed to offer to the configuror at least one composed dialog having a function provided by a sequence of said behaviors (Abstract; col. 4, line 11 to col. 8, line 4; col. 9, line 1 to col. 14, line 18).

Regarding claim 58, Britton discloses (col. 6, line 65 to col. 7, line 10; col. 17, lines 14-24) the function comprises at least one of: attempting telephone communications with a list of remote subjects by telephone number; confirming establishment of a connection to a telephone number expected for a given remote subject; distinguishing between a connection with a human and a connection with an automated answering device; reading out at least one data value for potential confirmation by the remote subject as accurate; providing to the remote subject an option of at least two potential choices and recording a choice of the subject in the data

repository; looping through a given sequence of behaviors; retrying upon detection of at least one

error condition; and transferring the connection.

Regarding claim 59, Britton discloses (col. 6, line 65 to col. 7, line 10; col. 17, lines 14-

24) the processor is programmed to offer to the configuror for selection at least one composed

dialog having a function provided by a sequence of said behaviors that comprise at least one of:

attempting telephone communications with a list of remote subjects by telephone number;

confirming establishment of a connection to a telephone number expected for a given remote

subject; distinguishing between a connection with a human and a connection with an automated

answering device; reading out at least one data value for potential confirmation by the remote

subject as accurate; providing to the remote subject an option of at least two potential choices

and recording a choice of the subject in the data repository; looping through a given sequence of

behaviors; retrying upon detection of at least one error condition; and transferring the

connection.

6.   Claims 48 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton

in view of Anderson and further in view of McCarthy (US Patent No. 7,003,079).

7.   Regarding claims 48 and 60, the combination of Britton and Anderson does not

specifically teach the operation of the dialog includes generating and storing a dialog creation

summary or a call report summary. McCarthy discloses (col. 2, line 35 to col. 6, line 32) an

apparatus and method for monitoring the performance of an interactive voice response (IVR)

system used by an automated call processing center generates logs of call activity, determines

routing information from the logs, and determines at least one quantity correlated to a true

intention of callers. A performance model of the IVR system is generated from the logs. The

logs, the routing information, the quantity correlated to the true intention of the callers, and the
performance model are analyzed to determine a performance value of the IVR system, which is
used to monitor the IVR system. McCarthy specifically teaches the system is beneficial in
evaluating the usability and cost-effectiveness of the telephone user interface by quantifying
usability problems and justifying the cost of improving the user interface (col. 2, lines 35-44).
Therefore, it would have been obvious to one of ordinary skill at the time of the invention to
modify the system of Britton to implement dialog summaries and/or call report summaries as
taught by McCarthy, for the purpose of evaluating the usability and cost-effectiveness of the
telephone user interface, as suggested by McCarthy.

8.   Claims 50, 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Britton in view of Anderson and further in view of Eberle (US Patent No. 6,850,603).

9.   Regarding claims 50 and 51, the combination of Britton and Anderson does not
specifically teach an option to include at least one policy option relating to incoming
communications, comprising an automated schedule affecting execution date for a behavior.
Eberle discloses a system and method for creation and automatic deployment of personalized,
dynamic and interactive voice services, including information derived from on-line analytical
processing (OLAP) systems and other data repositories, to allow for personalized delivery of
information in real-time, via natural language voice communication with a voice-enabled
terminal device. The system and method combines personalized information broadcast
technology with an active voice page. An active voice page is created by the system, stored in a
call database and used to generate dynamic voice menus. A call server retrieves the AVP from

the call database and delivers the content of the service by dialing a subscriber's telephone

number, speaking message text to the subscriber and recording the subscriber's input in response

to the call menus. The system also allows the creator or user to specify when the voice service is

to be executed. A user may schedule a voice service to execute according to the date, the time of

day, the day of the week, etc. and thus, the scheduling condition will be a date, a time, or a day

of the week, either one time or on a recurring basis. In the case of an alert service, discussed in

more detail below, the scheduling condition will depend on satisfaction of one or more

conditions. It would have been obvious to one of ordinary skill at the time of the invention to

modify the system of Britton to implement an automated schedule affecting execution date for a

behavior, as suggested by Eberle, for the purpose of providing alerts to a user for the delivery of

information to the voice services subscriber, as suggested by Eberle.

Regarding claim 54, Britton discloses the options (col. 5, line 50 to col. 8, line 22)

presented for selection by the configuror comprise associating at least one said policy option

with a subset of the remote human subjects determined by information regarding said remote

human subjects from the data depository.

Response to Arguments

10.   Applicant's arguments with respect to claims 42-70 have been considered but are moot in

view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/
Primary Examiner, Art Unit 2626